

REMARKS

Applicants respectfully request reconsideration of the present application in view of the reasons that follow. Claims 1-37 have been rejected. No claims have been amended or cancelled and no new matter has been added. Claims 1-37 will therefore remain pending in this application upon entry of this Reply and Amendment.

Claim Rejections – 35 U.S.C. § 102

On page 2 of the Office Action, the Examiner rejected Claims 1-37 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent App. Pub. No. 2003/0025506, titled “Degradation Degree Computing Method and Unit for Battery” to Arai (“Arai”).

The Examiner stated in part (on pages 11 and 12 of Office Action):

Regarding amended claims 1 and 35, Applicant argues that Arai does not disclose the amended limitation, “wherein the first condition relates to at least one of the prior usage of the battery and the current state of the battery” [see Applicant’s Remarks: Page 9-10].

Arai discloses the amended limitation, wherein the first condition relates to at least one of the prior usage of the battery and the current state of the battery” [see Arai: Paragraph [0072] for example...]

Arai is directed to a “Degradation Degree Computing Method and Unit For Battery” including a “method and a unit for determining a degradation degree of a battery to supply an electrical power to a load.” See Arai at paragraph [0015] and Figure [0013]. Arai further discloses (at paragraph [0015]):

The method considers relations among a base resistance, a activation polarization resistance, and a concentration polarization resistance of the battery. A measurement of the battery is made while the battery is kept at a usage position.

The “usage position” is determined when “CPU 23a determines whether the ignition switch has been turned on (step S2).” See Arai at paragraph [0153] and Figure 13.

Claim 1 is in independent form and recites a “method for monitoring a battery installed in a vehicle” comprising, in combination with other elements, the step of “determin[ing] that a test of the battery should be performed when a first condition is satisfied, wherein the first condition relates to at least one of the prior usage of the battery and the current state of the battery.” Claims 2-34 depend from independent Claim 1.

Claim 35 is in independent form and recites a “system for monitoring a vehicle battery” comprising, in combination with other elements, the step of “determin[ing] that a test of the battery should be performed when a first condition is satisfied, wherein the first condition relates to at least one of the prior usage of the battery and the current state of the battery.” Claims 36-37 depend from independent Claim 35.

Arai does not identically disclose a “method” or a “system” comprising, in combination with other elements, the step of “determin[ing] that a test of the battery should be performed when a first condition is satisfied, wherein the first condition relates to at least one of the prior usage of the battery and the current state of the battery” as recited in independent Claims 1 and 35.

The Examiner cites paragraph [0072] of Arai as disclosing the limitation “wherein the first condition relates to at least one of the prior usage of the battery and the current state of the battery.” It is unclear where in paragraph [0072] of Arai the limitation “wherein the first condition relates to at least one of the prior usage of the battery and the current state of the battery” is disclosed. Additionally, nowhere disclosed in Arai (either in paragraph [0072] or elsewhere) is the step of “determin[ing] that a test of the battery should be performed when a first condition is satisfied, wherein the first condition relates to at least one of the prior usage of the battery and the current state of the battery” as recited in independent Claims 1 and 35.

Instead, as stated above, Arai discloses that “a measurement of the battery is made while the battery is kept at a usage position” and that the “usage position” is determined when “CPU 23a determines whether the ignition switch has been turned on (step S2).” See Arai at paragraphs [0015] and [0153] and Figure 13. Having the “ignition switch...turned on” is not the same as “determin[ing] that a test of the battery should be performed when a first condition is satisfied, wherein the first condition relates to at least one of the prior usage of the battery and the current state of the battery” as recited in independent Claims 1 and 35.

Additionally, while paragraph [0072] of Arai may recite measuring “a discharge current and a corresponding voltage between a pair of terminals of the battery,” paragraph [0072] of Arai does not disclose “determin[ing] that a test of the battery should be performed” when a first condition is satisfied, wherein the first condition relates to at least one of the prior usage of the battery and the current state of the battery” as recited in independent Claims 1 and 35. Instead, the measuring of “a discharge current and a corresponding voltage between a pair of terminals of the battery” is the test of the battery. See Arai at paragraph [0072].

Therefore, the rejection of Claims 1 and 35 over Arai is improper. Claims 1 and 35 are patentable over Arai. Dependent Claims 2-34, which depend from independent Claim 1, and dependent Claims 36-37, which depend from independent Claim 35, are also patentable. See 35 U.S.C. § 112 ¶ 4.

The Applicants respectfully request withdrawal of the rejection of Claims 1-37 under 35 U.S.C. § 102(e).

* * *

It is submitted that each outstanding objection and rejection to the Application has been overcome, and that the Application is in a condition for allowance. The Applicants request consideration and allowance of all pending claims.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

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